

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

VIRGINIA HARPER,)	
)	
Charging Party,)	Cause No. 0041010760
)	
vs.)	ORDER OVERRULING
)	CHARGING PARTY'S
)	OBJECTION
NORTHWEST MONTANA HUMAN)	
RESOURCES,)	
)	
Respondent.)	

On June 7, 2004, the Human Rights Bureau issued a Final Investigative Report and corresponding Notice of Dismissal and Notice of Right to Sue in the above-captioned matter. Charging Party, Virginia Harper, filed objections with the Montana Human Rights Commission (Commission) and requested oral argument. At the hearing before the Commission on September 23, 2004, Virginia Harper appeared on her own behalf and Maxon Davis entered an appearance for Respondent, Northwest Montana Human Resources (NMHR).

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined that a preponderance of the evidence did not support Harper's assertion that her former employer, NMHR, discriminated on the basis of perceived disability. After careful and due consideration, the Commission overrules Charging Party's objection in this matter. The Commission finds there was not an abuse of discretion in the issuance of a Notice of Dismissal. 24.9.1714(3) ARM. In reaching this conclusion, the Commission notes that the record does not establish that NMHR discriminated against Harper based on disability (perceived or otherwise) in reaching a decision to place her on a corrective action and subsequently terminate her employment.

IT IS HEREBY ORDERED, that Charging Party's objection is overruled. The Commission adopts the findings of the Human Rights Bureau and the notice of dismissal is affirmed.

Dated this _____ day of September 2004.

Mr. Gary Hindoien, Chair
Montana Human Rights Commission

CERTIFICATE OF SERVICE

The undersign employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on September ____ 2004.

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